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PTO/SB/71 (6-99)

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| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) |         | <b>Application Number</b>     | 10/714,195             |
|   |         | <b>Filing Date</b>            | November 14, 2003      |
|   |         | <b>First Named Inventor</b>   | Joffe B. Baker, et al. |
|   |         | <b>Group/Art Unit</b>         | 1634                   |
|   |         | <b>Examiner Name</b>          | Unassigned             |
| <b>Total Number of Pages in This Submission</b>                                     | 77 pgs. | <b>Attorney Docket Number</b> | 39740-0005A            |

**ENCLOSURES (check all that apply)**

|   |   |  |
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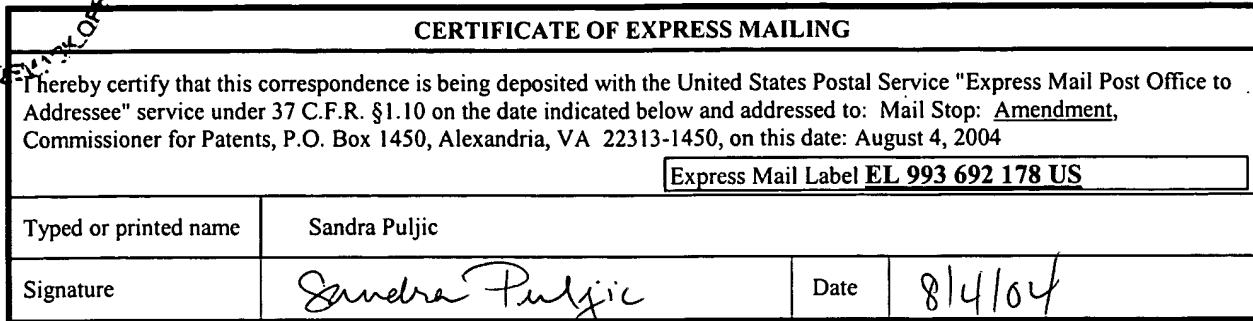
**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

|                                |  |                         |       |
|--------------------------------|--|-------------------------|-------|
| <b>Firm or Individual name</b> | Ginger R. Dreger, Reg. No. 33,055<br>HELLER EHRMAN WHITE & McAULIFFE LLP |                         |       |
| <b>Signature</b>               |  |                         |       |
| <b>Date</b>                    | August 4, 2004   | <b>Customer Number:</b> | 25213 |

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| <b>Typed or printed name</b>  | Sandra Puljic |             |                |
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|              |   |                 |             |
|--------------|---|-----------------|-------------|
| Applicant:   | Baker, et al.                                     | Docket No.:     | 39740-0005A |
| Serial No.:  | 10/714,195  | Group Art Unit: | 1634        |
| Filing Date: | 11/14/2003  | Examiner:       | Unassigned  |
| For:         | GENE EXPRESSION PROFILING OF EGFR POSITIVE CANCER |                 |             |

08/09/2004 EABUBAK1 00000056 081641 10714195  
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☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --

☐ (2) It is being filed within 3 months of entry of a national stage

-- OR --

☒ (3) It is being filed before the mail date of the first Office Action on the merits

-- OR --

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☐ a certification as specified in §1.97(e) is provided below; or

☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

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A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

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Respectfully submitted,

Dated: August 4, 2004

By: 

Ginger R. Dreger

Reg. No. 33,055

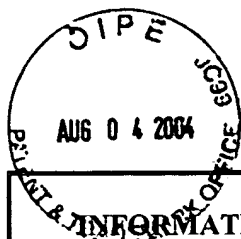
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|   |  |            |   |       |                                  |   |
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |  |            | <b>ATTY. DOCKET NO.:</b><br>39740-0005A |       | <b>SERIAL NO.:</b><br>10/714,195 |   |
|   |  |            | <b>APPLICANT :</b> Baker, et al.        |       |                                  |   |
|   |  |            | <b>FILING DATE:</b> November 14, 2003   |       | <b>GROUP:</b> 1634               |   |
| <b>U.S. PATENT DOCUMENTS</b>  |  |            |   |       |                                  |   |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE       | NAME                                    | CLASS | SUBCLASS                         | FILING DATE                                       |
|   | 5,474,796  | 12/12/1995 | Thomas M. Brennan                       | 427   | 2.13                             |   |
|   |  |            |   |       |                                  |   |
|   |  |            |   |       |                                  |   |
|   |  |            |   |       |                                  |   |
| <b>FOREIGN PATENT DOCUMENTS</b>   |  |            |   |       |                                  |   |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE       | COUNTRY                                 | CLASS | SUBCLASS                         | TRANSLATION                                       |
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|   |  |            |   |       |                                  | <input type="checkbox"/> <input type="checkbox"/> |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |  |            |   |       |                                  |   |
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| <b>EXAMINER</b>   |  |            | <b>DATE CONSIDERED</b>                  |       |                                  |   |

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